

SENATOR PETTUS DIED SUDDENLY

Distinguished Alabamian
the Oldest Man in the
United States Senate

HIS CAREER LONG AND HONORABLE

Was Intrepid "Forty-Niner,"
Fought in Mexican War,
Later in Civil War, Then
Served as Jurist and
Finally as a Sena-
tor.

ASHEVILLE, N. C., July 27.—United States Senator Pettus, of Alabama, died to-night at 10 o'clock at Hot Springs, this State, from the effects of a stroke of apoplexy, with which he was seized while at the breakfast table yesterday morning. His entire body was paralyzed and he never recovered consciousness since that time.

Senator Pettus's daughter and his grandson, E. W. Pettus, Jr., reached Hot Springs an hour before the Senator's death, but he did not recognize them. The attending physicians state that from the moment of the apoplectic stroke, Senator Pettus suffered no pain and that he passed away quietly. While the funeral arrangements have not been completed, it is announced that the body will be prepared for burial here, and on Monday will be taken to Selma for interment. The funeral services probably will be held in Selma Tuesday next or Wednesday.

Senator Pettus arrived at Hot Springs about a week ago from Tate, Tenn. Up to the time of the seizure he was apparently in the best of health. At the breakfast table yesterday, it is said, he was unusually cheerful, and when he was struck the guests of the hotel thought he merely had a fainting fit. Physicians were summoned from Asheville for consultation with the local physicians, and it was seen that there was no hope of the Senator's recovery.

Senator Pettus celebrated his eighty-sixth birthday at Tate, Tenn., last week, and on that occasion his unusual vigor was the subject of comment.

UNIQUE CAREER OF FAMOUS MAN

Picturesque Life Story of the
Octogenarian and Some
Anecdotes.

BY WALTER EDWARD HARRIS.

WASHINGTON, D. C., July 27.—The death of Senator Pettus, of Alabama, removes from the public arena probably the most striking and unique character in the government service. It was not only the fact that he was the oldest member of the United States Senate that made him such a striking figure of that body. His originality, his democratic manners, and the remarkable magnetism of his personality attracted people to him. Fewer public men have ever had to "stand" more stories of a personal nature. A Washington raconteur generally chose to place upon Senator Pettus responsibility for a good story, if by any means in the world the story could be attached to him, and the aged Senator, not a great story-teller himself, never objected. The story of how Senator Pettus came to bear the cognomen of Old Texas is history.

His Gallantry at Vicksburg.
It was at the siege of Vicksburg that Senator Pettus, General Pettus then, found opportunity to lead a company of Texans in an assault on a redoubt that was a key to the enemy's position. He led the charge, which was necessarily of a most desperate character, drove the enemy from the trenches, and the Stars and Stripes floated where the Stars and Stripes had been flying. The major portion of the Texans did not know the identity of the stranger who had led them, and inquiries were made. When it was found that their leader was General Pettus, some man in the ranks moved that he be made a Texan. And there in the redoubt, with dead and dying friends and foes about them, and the smoke of battle enshrouding his face, those gallant Texans made General Pettus a Texan. Old Texas he was called to the day of his death.

Old Rock Face and Old Chief were also cognomens of Senator Pettus, the latter having reference to the splendid stand which he made with his command under General Johnston while retreating before General Sherman at a little place called Rock Face. That, too, is history.

Showered He Was Not Too Old.

The story of how Senator Pettus came to run for a seat in the United States Senate, although old, will bear one more repetition. About 1892 Senator Pettus came to Washington for the purpose of seeing Senator Pugh, of Alabama, for the purpose of securing his influence to have Mr. Cleveland appoint him a United States district attorney for Alabama. Senator Pugh did not take kindly to the suggestion, and frankly told Senator Pettus that the President would not appoint such an old man.

"I am not too old to beat you for the Senate," said General Pettus, and he left in about a minute. As soon as he reached Alabama he began his campaign for a seat in the Senate, and he won with little trouble. Senator Pugh died a few months ago.

Senator Pettus was a second lieutenant in a company which served in the War with Mexico, and it was probably during this service that he acquired a spirit of adventure which had

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INCENSED, GOVERNOR SWANSON THROWS DOWN GAUNTLET; GLENN WINS FIGHT AND NEW RATE WILL GO INTO EFFECT

After Conference of More
Than Three Hours
Southern Yields.

BOTH SIDES WILL PUSH ALL SUITS

New Schedule of Prices Goes
Into Effect on Both Southern
and Atlantic Coast Line
Not Later Than Au-
gust 8th—Prose-
cutions to Stop.

RALEIGH, N. C., July 27.—As a result of the conference between Governor Glenn and the Council of State and the Southern Railway officials this evening, the railroad company has agreed for the new 2-1-4 cent passenger rate to go into effect on August 8th.

(Special to The Times-Dispatch.)
RALEIGH, N. C., July 27.—The State of North Carolina has won its fight to have its passenger rate law of 2-1-4 cents observed by all the railroads pending an appeal to the court by the roads of the State which propose to fight the law.

The promise of obedience to the law by the Southern and the Atlantic Coast Line Railways, which since July 1st, the date set for the rate law to go into effect, have been violating the law, was given this afternoon at a conference which the railroads sought with Governor Glenn, who had stated that as a precedent to any agreement he might make the 2-1-4 cent rate must first be put into effect.

The conference was a private one, newspaper men being excluded at the request of the railroad attorneys. After the conference Governor Glenn stated that at the beginning of the conference the railroad representatives stated that they were ready to agree to the 2-1-4 cent rate, later to be tested in the original injunction case before Judge Pritchard, an appeal, if necessary, to be taken by the State to the United States Supreme Court, while the railroads would appeal the Wake county case to the North Carolina Supreme Court, and if necessary take the case on writ of error to the United States Supreme Court. The only trouble in the conference was the date on which the 2-1-4 cent rate should become effective. The railroads wanted a longer time than the State wished to grant, but finally the 8th of August was agreed upon as the railroad representatives stated that it would be impossible sooner to make the proper arrangements at their various ticket offices to supply tickets and to fix rates.

EACH SIDE WILL RETIRE
FOR SECRET CONFERENCES

The conference at which the details of this compromise between the railroads and the State were arranged was in progress from 2:30 to 6:30 o'clock, and was participated in by Governor Glenn, ex-Governor Charles B. Aycock, Speaker of the House E. J. Justice and State Treasurer B. B. Lenoir for the State, and Alfred P. Thom and A. P. Humphrey, general counsel for the Southern, and Alexander Hamilton, general counsel for the Atlantic Coast Line. George Rountree, representing the stockholders of the Norfolk and Eastern, and Assistant General Counsel George B. Elliott, of the Atlantic Coast Line.

Several times during the conference, first the Governor and his advisers, and then railroad officials, would withdraw for a few minutes of private discussion of the situation among themselves. Governor Glenn stated after it was all over that at the beginning of the conference the railroad representatives conceded the point of waiting into effect the new rate, the only difference in effect. They did not think the schedules could be gotten out by August 8th, and urged a longer time to prepare. They, however, finally consented to August 8th.

GOVERNOR GIVES OUT
TERMS OF AGREEMENT.

At 6:30 o'clock the conference was over, and Governor Glenn dictated the following terms of the agreement reached to the members of the press:

1. The railroads put the 2-1-4 cent rate into effect not later than August 8, 1907.
2. The State to appeal from the

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STRIKER OFFICER IN COURTROOM

Fred Blake Pounds Man in Pres-
ence of Magistrate and is
Admonished.

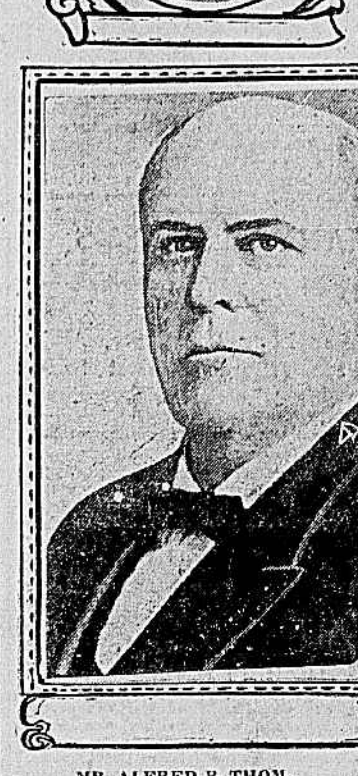
(Special to The Times-Dispatch.)
NORFOLK, VA., July 27.—While on trial this morning in Justice Backus's court, at Pine Beach, on charges of obtaining money under false pretenses, Fred H. Blake, manager of the Jamestown Employment Agency, assaulted County Constable J. P. Hecht. He followed Hecht out of the court, and as he approached Blake claims that the latter made an ugly remark about him. Hecht called Blake a liar, and the response was a blow on Hecht's face. Blake was carried back into the magistrate's office, where he was admonished by Justice Backus for his assault on the officer. It was thought that the matter was settled, but while Hecht was standing close to the man on trial, Blake turned and struck him another blow, this one landing on the constable's nose. Blake was again called down by the court, who politely told him that it was no way to settle the matter.

Fred H. Blake was found guilty of obtaining money under false pretenses on four warrants, and was fined \$10 in each case. The warrants on which conviction was had were sworn out by B. P. Owen, M. U. Byrd, C. G. Marshall and C. W. Teabull.

Many Are Said to Be Behindhand in Dues to Federal Government.

On Wednesday, July 31st, time for payment of dues and all other claims required by the Federal government, will expire. A large number of local merchants have failed so far to pay up, and will be subject to a penalty of fifty per cent of the amount of their taxes, and also to prosecution.

The office of the collector is now in the Shafter Building.



MR. ALFRED P. THOM,
of Southern,
GOVERNOR R. B. GLENN.

ONE DEAD; OTHERS HURT IN WRECK

Serious Head-On Collision at
Stony Creek on Atlantic
Coast Line Last Night.

TWO RICHMONDERS HURT

Messrs. M. and S. T. Eichel Are
Sufferers, But Injuries Not
Serious.

(Special to The Times-Dispatch.)
STONY CREEK, VA., July 27.—Mistaking a freight train, side-tracked at this place, which is about twenty miles south of Petersburg, for an express train, known as Second 80, which was en route to meet Engineer W. Y. Bradshaw, of the Florida and West India Limited, No. 85, Atlantic Coast Line, at 8:54 to-night ran his train head-on into the express train, which had not yet gotten to the siding, wrecking both engines, derailling the mail cars, and killing the engineer and killing Hardy Durham, colored, of Manchester, the fireman on the fast passenger train. The injured were:

W. M. Walters, of Florence, S. C.; back hurt.
R. H. Barnitz, mail clerk; hurt in back and leg.
M. and S. T. Eichel, of Richmond; slightly injured.
J. C. Doerner, of Jacksonville, Fla.; slightly injured.
Mrs. John Beckley, of Charleston, S. C.; slightly hurt.

W. Y. Bradshaw, engineer of No. 85, and M. A. Jones, engineer of No. 80, both of Manchester, issued from the accident unhurt.

Were to Meet There.

Both trains had received orders to meet here, where the fast train, which had left Richmond at 7:25 o'clock this evening, was to have right of way over the express train. The express train, which was to have right of way, was delayed by a breakdown of the engine, and was approaching the siding from the north, while the fast train was waiting on the siding for the time, and Engineer Bradshaw mistook this train for the express train and he received orders to meet. He proceeded by slowly, and, fortunately enough, Engineer Jones had slowed down his train to approach the siding. The two trains collided head-on, and both engines were derailed and badly wrecked.

The passenger train was composed of eight passenger and baggage cars and one mail car, which was derailed. The other train carried six cars, none of which were damaged.

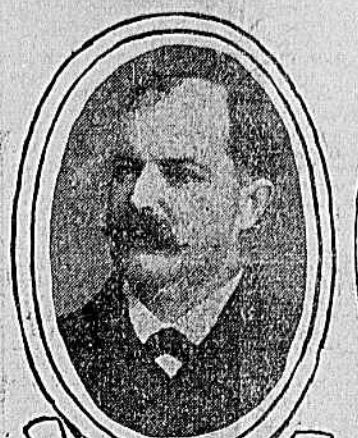
Three wreckers came to the scene of the wreck—one from South Rocky Mount and two from Richmond—on the first of which Dr. Robins, surgeon for the Atlantic Coast Line, went to the scene to aid the injured. Dr. W. B. Borden, company surgeon, and Dr. Prince, of Stony Creek, were both passengers on the Florida train, and the two physicians rendered immediate aid to the injured, who were all taken to Petersburg to be cared for.

MUST PAY TAXES.

Many Are Said to Be Behindhand in Dues to Federal Government.

On Wednesday, July 31st, time for payment of dues and all other claims required by the Federal government, will expire. A large number of local merchants have failed so far to pay up, and will be subject to a penalty of fifty per cent of the amount of their taxes, and also to prosecution.

The office of the collector is now in the Shafter Building.



MR. ALEXANDER HAMILTON,
of Atlantic Coast Line,
POLICE JUSTICE REYNOLDS.

GOVERNOR WINS PINE BEACH FIGHT

Norfolk County Police to Be
Reorganized, With Carpen-
ter at Head.

EXECUTIVE FORCED CHANGE

Recent Attack on State Militia-
men by Constabulary Has-
tens the Action.

(Special to The Times-Dispatch.)
JAMESTOWN EXPOSITION
GROUNDS, VA., July 27.—Director General James M. Barr, of the Jamestown Exposition, supported by Governor Swanson, has won the fight against the Norfolk county authorities for a law-abiding and decent Pine Beach. The business was settled at a conference to-day between the director-general and Judge William M. Portlock, of the Norfolk County Circuit Court.

Others who attended were Commonwealth's Attorney R. C. Marshall, of Norfolk county; Sheriff Cromwell, the chief preserver of law and order in the county; T. J. Wool and O. D. Batchelor, general counsel of the Exposition Company, and Captain Henry W. Carpenter, U. S. M. C., commandant of the Powhatan Guard, the exposition constabulary, which has checked lawlessness at Pine Beach on more than one occasion.

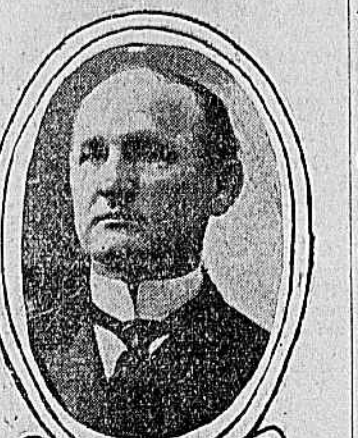
All that is known about the details of the conference was contained in a brief statement given to the press by Judge Portlock after the conference was over. Others either would not talk or else said less than did Judge Portlock.

Mr. Barr, through his secretary, referred inquiries to the general counsel of the exposition. Mr. Batchelor did not think that it was a matter proper to be given to the public at this time. He thought it of a private nature and something the people were too anxious to find out about. Nor did Mr. Wool think it proper to discuss it, but he added that the conference was satisfactory and that the county authorities had given assurance that they would take action necessary to improve conditions at Pine Beach.

From Judge Portlock it was learned that the police force at Pine Beach will be reorganized, with Captain Carpenter in command, but not as an exposition officer. The force is to consist of ten men, to be selected by Captain Carpenter.

Judge Portlock also agreed to appoint another justice of the peace for Pine Beach. As a reason for this action on the part of the judge, it is said that Justice Backus is unable to cope with the situation single-handed, and that parties with cases to be heard at Pine Beach might choose the justice before whom their cause might be

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HON. CHARLES B. AYCOCK,
PRESIDENT W. W. FINNEY.

MR. H. B. SPENCER IN FRIGHTFUL WRECK

Vice-President of Southern Has
Narrow Escape at Oakridge
Station.

PRIVATE CAR SPLINTERED

Engineer Killed and Ten or More
Painfully Injured—Much
Track Torn Up.

(Special to The Times-Dispatch.)
OAKRIDGE, VA., July 27.—Southern train, No. 36, Atlanta-New York fast mail, while endeavoring to make up lost time, split switch at this place and wrecked engine and entire train, with the exception of one sleeper. The private car of H. B. Spencer, a son of the late President Spencer, of the Southern Railway, who met his tragic death in the notable wreck at Tagon, Va., is completely demolished, while the postal car stands beyond the wrecked engine; baggage and express cars are more or less jammed into the engine; the coaches and one sleeper stand crosswise of the track. Mr. H. B. Spencer, who was returning from North Carolina, was not hurt.

It is safe to say that track will be blocked for six to eight hours on account of both passing tracks being badly torn up, about fifty yards of track being derailed. Mr. H. B. Spencer, who was returning from North Carolina, was not hurt.

Mr. William Clark, foreman of extra force of the road, and riding in the engine, was so badly injured that he died within three hours thereafter.

The following were injured:

W. M. Johnson, Bremen, Alexandria.

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BOAT IS BURNED; NINE LIVES LOST

Those That Were Drowned
Were All Women and
Children.

AUBURN, N. Y., July 27.—Steamboat Frontenac burned on Cayuga Lake this afternoon. Nine of the fifty passengers were drowned and several injured. The accident happened opposite Farley's Point.

The bodies of the drowned women and children have been recovered, and the injured are being cared for at the homes of persons near the scene of the wrecked steamer. The following were drowned and the bodies subsequently recovered:

Mrs. Homer Genung, Freeville, N. Y.; Mrs. Genung, nine years old, son of Mrs. Genung; Mrs. Zenia McCrory, Chocoma, N. Y.; Miss Stella Clinton, Ithaca, N. Y.; Miss Marietta Sullivan, Syracuse, N. Y.; six-year-old daughter of Howard Cable, South Bloomingburg, N. Y.; two unidentified bodies of women.

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Would Ignore Pritchard's
Order, Which He Calls
"Outrageous."

CALLS FOR PROMPT ACTION BY STATE

Willing to Assume Responsibility
and to Exert Every Force
Within His Power to
Compel Obedience
to Order of Com-
mission.

Governor Swanson Throws Down Gauntlet

"The order of Judge Pritchard in the Virginia case is outrageous. I have favored, and continue to favor, ignoring this order of Judge Pritchard, prohibiting the Corporation Commission from publishing their order, as required by the Constitution, and for the publication to proceed and the act to be completed, as required by our Constitution. I have been, and am still, willing to assume responsibility incident to such course.

"The rights and dignity of the State will be maintained to the fullest extent. When the two-cent rate is perfected by publication and becomes operative in the State it is my purpose to see it enforced, and to do this I shall exercise all the powers possessed by me as Governor—Governor Swanson. In interview with representative of The Times-Dispatch.

That important developments in the Virginia passenger rate case will come within the next few days, regardless of all statements to the contrary, was clearly indicated yesterday by Governor Swanson in an important interview with a representative of The Times-Dispatch. Incensed by the injunction of Judge Pritchard, which he branded as outrageous, Governor Swanson said that he had been in favor of enforcing the order of the Corporation Commission's order, as required by the Constitution, in spite of the Federal Court, without which publication the reduced passenger rate would not be effective.

That under the Attorney General and Senator Daniel declined to discuss the results reached at the conference held yesterday with Mr. Braxton, the Governor was more aggressive, more outspoken, and has really shown that the attitude which will practically force the State into action.

The surrender of the Southern Railway to the will of the people in North Carolina will effectively weaken the position of Judge Pritchard, according to all of its phases, and from the tone of the Governor's biting utterance there is reason to believe that the commission's ruling will be completed by publication of the two-cent rate order within the next week.

What Governor Says.

When asked as to the Virginia situation in regard to the rate case, and for his views and position thereon, Governor Swanson said that the case here was different from that in North Carolina. No law establishing rates in Virginia had yet been perfected, he said, so that it could be enforced. That, under the Constitution of Virginia, the paramount authority for fixing rates in Virginia was vested in the Corporation Commission. Continuing, the Governor said:

"Under the Constitution, to enable the Corporation Commission to fix a rate, three steps were necessary.

"First, to give notice to the transportation companies to appear before the Corporation Commission, for the purpose of giving a hearing and enter an order.

"Third, by the very terms of the Constitution itself, it must be published four weeks in a paper of general circulation in the State before it can go into effect.

"The Corporation Commission was prevented from perfecting the third step necessary to fixing the rate by the injunction of Judge Pritchard, directing the newspapers, as required by the Constitution, thus, there is no two-cent law in Virginia to-day, and none that I can enforce.

Compel Obedience.

"If the Corporation Commission had or should perfect their order establishing a two-cent rate in Virginia all the powers possessed by me as Governor to the fullest and most fearless extent would be exercised by me for enforcement and to compel obedience to the order by the railroad companies.

"As the Chief Executive of the State I can do nothing to enforce such law until it has been completed by the Corporation Commission. The order of Judge Pritchard in the Virginia case is outrageous. He says the fixing of a rate by the Corporation Commission is a legislative act, and yet he restrains this legislative body in Virginia from doing what is absolutely necessary to complete an act of legislation under our Constitution. The Corporation Commission is paramount to the General Assembly of the State in fixing rates.

"Judge Pritchard practically says to the Corporation Commission, 'You shall not enforce this law.' Congress from passing laws until he has examined and ascertained whether they are, in his judgment, just and constitutional.

Ignore the Order.

"Judge Pritchard practically says to the Corporation Commission, 'You shall not enforce this law.' Congress from passing laws until he has examined and ascertained whether they are, in his judgment, just and constitutional.

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HAYWOOD CASE IN JURY'S HANDS

Judge Wood Charged the
Jury and Gave Them
Case at 11:04.

JURYMEN ASKED FOR EXHIBITS

Haywood's Mother Collapsed,
and is Now in a Hospital,
Suffering from Nervous
Prostration—Kissed
Her Son as He
Went to Cell.

NO VERDICT AT 1 O'CLOCK JUDGE RETIRES FOR NIGHT

BOISE, IDAHO, July 27.—Judge Wood at 10 o'clock went to his home, leaving instructions to be called on the phone in case the jury should arrive at a verdict.

BOISE, IDAHO, July 27.—Judge Wood completed charging the jury at 10:59 A. M. The courtroom was cleared at 11 o'clock. The jury retired at 11:04. Recess was ordered at 11:08 until 2 P. M.

Judge Wood, in his charge, gave the jury the choice of five verdicts, as follows:

Murder in the first degree, with a penalty of death; murder in the second degree, with a penalty of ten years to life imprisonment; voluntary manslaughter, with a penalty of one to ten years; and not guilty.

Asked for Exhibits.

Shortly before 4 o'clock this afternoon the Haywood jury sent a written request to Judge Wood for some of the exhibits in the case. The judge would not say what exhibits were wanted, but they were immediately sent into the juryroom.

The discussion of the case is going on quietly, a glimpse of the room showing the jurors lounging about in comfortable attitudes.

Later it was announced that the exhibits furnished the jury included the telegrams sent by A. Arroyo Fred Miller, of Spokane, to Orchard at Caldwell, the telegram sent by Jack Simpkins to Haywood saying he could not get a lawyer at that time, the Peitstone letter to Orchard at Caldwell and the six drafts sent by Haywood to Simpkins in December, 1905.

All of these exhibits bear directly on the Steenberg murder, and are a part of the evidence of the conspiracy alleged by the State.

Mother Prostrated.

Mrs. Etta Carruthers, of Salt Lake City, mother of the Haywood, collapsed this afternoon, and is now a patient in St. Luke's Hospital, suffering from nervous prostration. Mrs. Carruthers has felt the strain of the trial more keenly than any other member of the prisoner's family.

To-day as the jury went out, and her son went back to his cell she sprang up, threw her arms about his neck and kissed him good-by.

Judge's Instructions.

After the customary instruction as to the general duties of the jurors as to the law and evidence, Judge Wood instructed the jurors in accordance with his ruling made some days ago, after argument by counsel, as to the admissibility of the evidence bearing on the connection of Steve Adams with crime committed in Northern Idaho.

This evidence, and also that introduced by the State against the defendants in Colorado, and the employment of Pinkerton detectives by the mine-owners, Judge Wood instructed the jury not to consider, on the ground that no prior connection had been made in either case.

As to the necessity for clear and conclusive proof, beyond any reasonable doubt, of every material fact were followed by quoting the indictment on which Haywood, together with Moyer and Pettus, was arrested.

On this subject Judge Wood said: "The essential elements of the offense charged in the indictment consist of the following features:

"There must have been a killing; that the killing must have been unlawful; it must have been wilful; it must have been deliberated upon; it must have been premeditated; it must have been accompanied by malice in the mind of the person or persons doing the killing, and unless these features and each and every one of them are proven to your satisfaction beyond a reasonable doubt then the defendant cannot in any event be convicted of murder in the first degree."

The judge continued: "I further instruct you, gentlemen of the jury, that while proof has been admitted of the commission of other crimes by the defendant and his associates and tending to prove the commission of such other crimes by them, that it has only been admitted for the purpose of showing the existence of a conspiracy to accomplish certain objects, and that such crimes, and the crime resulting in the death of ex-Governor Steenberg, are each and every one of them are proven to your satisfaction beyond a reasonable doubt then the defendant cannot in any event be convicted of murder in the first degree."

As to Formal Agreement.

"It is not essential to the formation of a conspiracy that there should be a formal agreement between the parties to do the act charged. It is sufficient if the minds of the parties meet understandingly, so as to bring about an intelligent and deliberate agreement to do some acts and commit the crimes charged, although such agreement is not manifested by any formal words. An act done by a party to an unlawful conspiracy in furtherance thereof and naturally flowing from the common design, is the act of each and all of the conspirators, and where murder is committed as the result of such a conspiracy, each one of the conspirators, even though he was not

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